

ORDERED.

Dated: May 01, 2018



Karen S. Jennemann
United States Bankruptcy Judge

U.S. BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
Orlando Division
www.flmb.uscourts.gov

In re:

EXCELETECH COATING AND
APPLICATIONS, LLC,

Chapter 11
Case No. 6:18-bk-00263-KSJ

Debtor.

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**CONSENT ORDER AMENDING (i) PRELIMINARY ORDER
GRANTING DEBTOR-IN-POSSESSION'S EXPEDITED AMENDED
MOTION FOR AUTHORITY TO USE CASH COLLATERAL
NUNC PRO TUNC TO JANUARY 17, 2018 [DOCKET NO. 28], (ii) RESOLVING
ON AN INTERIM BASIS THE FUNDS' OBJECTION TO DEBTOR'S
FINAL ORDER AUTHORIZING DEBTOR TO USE CASH
COLLATERAL [DOCKET NO. 69], AND (iii) SETTING FINAL HEARING**

THIS MATTER is before the Court upon the Debtor's Expedited Amended Motion for Authority to Use Cash Collateral *Nunc Pro Tunc* to January 17, 2018 (the "Motion") [Docket No. 20]. On February 2, 2018, this Court entered its Preliminary Order Granting Debtor-in-Possession's Expedited Amended Motion for Authority to Use Cash Collateral *Nunc Pro Tunc* to January 17, 2018 and Setting Final Hearing (the "Initial Order") [Docket No. 28]. Creditors,

International Painters and Allied Trades Fringe Benefit Funds¹ (the “National Funds”) and Southern Painters District Council 78 Fringe Benefit Funds² (the “Local Funds”)(hereinafter, collectively, the “Funds”) filed their Objection to Debtor’s Final Order Authorizing Debtor to Use Cash Collateral (the “Objection”) [Docket No. 69]. The parties have now stipulated and agreed to entry of this Order and the Court is otherwise fully advised in the premises. Now therefore, it is hereby ordered as follows:

1. The Motion is granted on a continuing preliminary basis as set forth in the Initial Order and to the extent provided herein.

2. The budget attached as Exhibit A to the Initial Order is hereby amended *nunc pro tunc* to January 17, 2018 to set forth an authorized monthly line-item expense for fringe benefit contribution payments to the Funds in the current estimated amount \$12,000.00 per month, subject to further adjustment, upward or downward, upon the Debtor’s and the Funds’ confirmation of the actual amounts necessary to pay such expense, or upon further order of the Court.

3. The Initial Order is hereby amended *nunc pro tunc* to January 17, 2018 to allow Debtor to use cash collateral to pay fringe benefit contributions to the Funds in the amounts set forth in Exhibit A to the Initial Order (as amended by this Order) in addition to such other expenses authorized by the Initial Order.

4. Both Debtor and the Funds hereby reserve all of their respective rights, claims, and/or defenses concerning Debtor’s obligation to pay pre- and/or post-petition fringe benefit contributions to the Funds, with any and all such rights, claims, and defenses being fully

¹ The International Painters and Allied Trades Fringe Benefit Funds consist of: the International Painters and Allied Trades Industry Pension Fund, the Finishing Trades Institute, the Political Action Together Fund and the Painters and Allied Trades Labor Management Cooperation Initiative.

² The Southern Painters District Council 78 Fringe Benefit Funds consist of: the Southern Painters Welfare Fund and the District Council 78 Finishing Trades Institute.

preserved and otherwise unimpaired by the provisions of this Order and the Initial Order.

5. **Continued Hearing.** This Order and the Initial Order are granted on a preliminary basis, with a further hearing on this motion, and any objection, continued to June 13, 2018, at 2:45 p.m. before the Honorable Karen S. Jennemann at George C. Young Courthouse, 400 West Washington Street, 6th Floor, Courtroom 6A, Orlando, Florida 32801.

6. Debtor shall amend its budget as was attached as Exhibit A to the Initial Order to cover the time period from the Petition Date (January 17, 2018) to the date of hearing to be set by the Court as referenced in paragraph 5 above.

7. Except as provided above, all other terms and conditions of the Initial Order remain in full force and effect.

Attorney, Cynthia E. Lewis, is directed to serve a copy of this order on interested parties who are non-CM/ECF users and file a proof of service within 3 days of entry of the order.